



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------------|---------------------|------------------|
| 09/893,693 | 06/29/2001 | Richard A. Watson JR. | 06975-088001 | 4959 |
| 26171 7590 04/23/2009 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | | |
| EXAMINER EL CHANTIL, HUSSEIN A | | | | |
| ART UNIT 2457 | | PAPER NUMBER | | |
| NOTIFICATION DATE 04/23/2009 | | DELIVERY MODE ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RICHARD A. WATSON JR.

Application No. 09/893,693
Technology Center 2400

Mailed: April 22, 2009

Before QUITA GOULD, *Supervisory Paralegal Specialist, Review Team*
GOULD, *Supervisory Paralegal Specialist, Review Team*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on December 12, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

APPEAL BRIEF, STATUS OF AMENDMENTS

A review of the file finds that the status of the amendments as provided in the Appeal Brief filed July 22, 2008, under the heading "Status of Amendments" is unclear in accordance with 37 CFR 41.37(c)(1)(iv).

A review of the file finds that an After Final Amendment was filed December 26, 2007. However, Appellant has not provided the necessary statement as to the status of the After Final Amendment filed and the statement regarding the status of the amendment is unclear. Correction of the status of amendment(s) filed subsequent to Final rejection is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed October 21, 2008;
- 2) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required;

- 3) consider the Reply Brief filed December 12, 2008 as indicated above;
- 4) hold the Appeal Brief filed on July 22, 2008 defective;
- 5) notify Appellant to file a paper properly addressing the status of the After Final Amendment filed December 26, 2007;
- 6) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QG/LLW

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022